

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ANGELO ATENCIO, II,

Case No. 3:23-cv-00548-MMD-CLB

Petitioner,

ORDER

v.

SHERIFF, HUMBOLDT COUNTY,
NEVADA,

Respondent.

Angelo Atencio, II has initiated a *pro se* action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF Nos. 1-1, 1-2.) He is in custody at Humboldt County Jail and seeks to challenge an Executive Warrant issued by the governor of Nevada for his extradition to California. His application to proceed *in forma pauperis* is granted. (ECF No. 1.) Atencio has submitted two petitions. (ECF Nos. 1-1, 1-2.) He also attaches a “cover letter” in which he states that he submitted two copies of his petition—one copy to be file-stamped and returned to him. (ECF No. 1-3.) But while the petitions are similar, they are not identical. The petition at ECF No. 1-1 is 10 pages in length and was signed November 3, 2023. The petition at ECF No. 1-2 is also 10 pages but is not identical; was signed on September 18, 2023; and also has about 30 pages of exhibits attached. The Court, therefore, directs Atencio to file a notice informing the Court which petition he intends to be the operative petition before the Court.

It is therefore ordered that Petitioner’s application to proceed *in forma pauperis* (ECF No. 1) is granted.

It is further ordered that within 30 days of the date of this order Petitioner file a notice with the Court that states which petition is the operative petition for this Court’s consideration.

1 It is further ordered that if Petitioner fails to respond to the Court's order this action
2 may be dismissed without prejudice.

3 DATED THIS 6th day of December 2023.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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